

Board of Adjustments Appeals  
Town Hall, July 13, 2004, 7:00 p.m.

The meeting was opened by Chair Bob Haines at 7:07 p.m. Members present were Chair Haines, Pat Aldred, Larry Felts, Larry Gardner and Charles Lawson. Staff present was Counsel Dave and Dana Ausbrooks and Recorder Cindy Lancaster, Fire Chief Presley Hughes, Assistant Chief Jason Jones and Mr. Mark Baron.

Commissioner Aldred made a motion to approve the minutes with an amendment being the title. She noted it should read the Board of Adjustments Appeals. Larry Felts seconded and this was passed unanimously as amended.

Chair Haines noted that this was a continuation of last months meeting and asked for comments from Mr. Baron.

Mr. Baron clarified that it is his understanding that a majority vote was needed for his variance request to be granted. This was confirmed. He noted that at the last meeting the board requested that he obtain more bids. He stated that he would be adding 5,100 square feet to his building with a total of 8,724 square feet. He further stated there were three reasons why he is applying for a variance.

The first was for the cost of the installation. He stated that his bids indicated a cost of \$44,000 - \$57,000 with the majority of cost being for the installation.

The second reason was that the current building does not have a sprinkler system. He noted that the ordinance refers to residential. His building is a metal structure for a metal fabrication business. The addition would be mostly a warehouse and would be a day use facility.

The third reason is that if it is a family dwelling and an addition is built a sprinkler system is not required.

Therefore Mr. Baron stated that his variance request is based on low occupancy, day use only, code should consider the use not the square footage, metal structure and it is an open area inside.

Mr. Baron had pictures of the current building that he showed the board and asked the board to grant his variance.

Assistant Fire Chief Jason Jones stated that the price does look large, although, this ordinance has been reviewed and discussed for 22 months. This ordinance states that a commercial facility over 2,500 square feet must have a sprinkler system installed. The ordinance does not address day use or a metal structure. He elaborated on metal and fire in regards to damages.

Commissioner Aldred noted that the previous minutes stated that Mr. Baron said the building would not be able to hold a sprinkler system. Mr. Baron stated that he had been told that the current structure might not be able to hold a system. He said that the current structure is older, but the newer structure would be able to hold the pipes.

Commissioner Lawson stated that if the existing building were not strong enough to hold pipes it would be questionable if it was a safe structure.

Mr. Baron noted that he had not paid an engineer to review this, although an official with the sprinkler company had said that it might not hold. A builder stated that he was not sure.

Commissioner Felts inquired about how the new structure would be attached. Mr. Baron demonstrated with pictures.

Attorney Dave Ausbrooks noted that in the code, when you have a structure and there is not a four-hour firewall it is considered one structure. If a four-hour firewall is constructed it would be considered two buildings.

Assistant Fire Chief Jones stated that the town does not have a four-hour firewall. It must have a light separation.

Mr. Baron stated that his architecture stated that in Metro there are different business classifications.

Chair Haines stated that this board has an ordinance that unfortunately this board must adhere to. He further noted that through the ordinance a variance cannot be given due to cost.

Commissioner Gardner made a motion to decline the request due to the way the ordinance is written, Commissioner Aldred seconded, and this passed unanimously.

Attorney Ausbrooks noted that Mr. Baron has three options for appeal. He can come back to this board, go to the Board of Mayor and Aldermen to request an ordinance change or obtain legal remedies through equity or law.

The meeting was then adjourned at 7:29 p.m.

Respectfully submitted,

Cindy Lancaster